

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

H&H PROPERTY MANAGEMENT,
LLC,

Plaintiff,

No. C 13-5549 PJH

v.

ORDER

TYRONE T. TAYLOR, et al.,

Defendants.

Defendants Tyrone T. Taylor and Novella Taylor removed the above-entitled action from the Superior Court of California, County of Alameda, on December 2, 2013. Also on December 2, 2013, defendants filed requests for leave to proceed in forma pauperis ("IFP").

On December 5, 2013, defendants filed an application for a temporary restraining order and an order to show cause re preliminary injunction. Defendants seek an order halting a court-ordered eviction, authorized by a writ of execution for possession of real property, issued on October 31, 2013 pursuant to an judgment in an unlawful detainer action (Alameda County Sup. Ct. Case No. RG13693822).

Defendants previously removed the same unlawful detainer action from the Alameda County Superior Court (Alameda County Sup. Ct. Case No. RG13693822). The case was removed to this court on October 29, 2013 as Case No. C-13-5039. On November 14, 2013, defendants filed an "emergency motion" for stay of execution. Also on November 14, 2013, the court issued an order remanding the case for lack of subject matter jurisdiction.

1 Because the court found it lacked subject matter jurisdiction, it did not reach the merits of
2 the "emergency motion" for stay of execution.

3 For the reasons stated in the order issued on November 14, 2013 in case No. C-13-
4 5039, this case is REMANDED for lack of subject matter jurisdiction. Because the court
5 lacks subject matter jurisdiction, it does not reach the merits of the TRO application.

6 Based solely on the removing parties' financial affidavits, the court finds that the
7 request to proceed in forma pauperis should be GRANTED. Defendants will not be
8 required to pre-pay the filing fee. However, because the case is remanded, this court does
9 not order the U.S. Marshal to serve the complaint or any other papers on the plaintiff.

10 The clerk is instructed to accept no further removals of this unlawful detainer action
11 filed by Tyrone Taylor or Novella Taylor, unless the filing is first approved by a judge of this
12 court.

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14 **IT IS SO ORDERED.**

15 Dated: December 5, 2013



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17 PHYLLIS J. HAMILTON
18 United States District Judge
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